

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW JOHNSON,

Plaintiff,

V.

Case No. 17-cv-387 JPG/SCW

WEXFORD HEALTH SOURCES, INC.,

Defendant.

MEMORANDUM AND ORDER

After consideration of plaintiff's response (doc.7) to the Show Cause Order (doc.5) this matter comes before the Court on the plaintiff's motion for leave to proceed *in forma pauperis* expense (Doc. 2). A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious. 28 U.S.C. § 1915(e)(2)(B)(i). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983). When assessing a motion to proceed *in forma pauperis*, a district court should inquire into the merits of the plaintiff's claims, and if the court finds them to be frivolous, it should deny leave to proceed *in forma pauperis*. *Lucien v. Roegner*, 682 F.2d 625, 626 (7th Cir. 1982).

The Court does not find anything in the file to indicate that this action is frivolous or malicious. However, the Court is not satisfied from plaintiff's affidavit that he is indigent. Therefore the Court **DENIES** the motion to proceed *in forma pauperis* without prepayment of fees

and costs. (Doc. 2). Payment of the filing fee is due by June 12, 2017. Failure to pay the filing fee may result in dismissal of this matter.

IT IS SO ORDERED.

DATED: May 25, 2017

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE